

Appl. No. 10/000,228
Response Dated April 24, 2006
Reply to Office Action of January 23, 2006

REMARKS

Claims 1-38 stand in this application. Claims 1, 12, 17, 23, 25, 27, and 34 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

CLAIM REJECTIONS - 35 U.S.C. § 103(a)

Claims 1-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over USPN 6,133,904 (Tzirkel-Hancock) in view of USPN 5,884,262 (Wise) and further in view of USPN 5,960,399 (Barclay). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the rejection.

Applicant respectfully submits that to properly reject a claim under 35 U.S.C. § 103(a), the Office Action must meet its burden of establishing a *prima facie* case of obviousness. According to MPEP § 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Claims 1-38 define over Tzirkel-Hancock in view of Wise and further in view of Barclay whether taken alone or in combination. As recited above, to form a *prima facie*

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case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must teach or suggest every element of the claim. *See* MPEP § 2143.03, for example.

Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because the cited references, taken alone or in combination, fail to teach or suggest every element recited in claims 1-38.

For example, with respect to claim 1, Tzirkel-Hancock, Wise, and/or Barclay, whether taken alone or in combination, fail to teach or suggest a method to perform speech recognition, comprising:

receiving a request for speech recognition information over
a wireless voice channel in a wireless network....

Applicant submits that Tzirkel-Hancock, Wise, and/or Barclay fail to disclose, teach, or fairly suggest "receiving a request for speech recognition information over a wireless voice channel in a wireless network," as recited in claim 1. Tzirkel-Hancock does teach or suggest communicating speech features over a voice channel let alone a wireless voice channel. Wise merely teaches a computer document audio access and conversion system over a simple telephone. (Wise Abstract.) Barclay merely teaches a real time or streaming speech system between a client and a server where the server may be reached via the Internet over an HTTP and/or a TCP/IP connection. (Barclay Abstract and Fig. 4.) Nowhere does Wise or Barclay disclose, teach or suggest that communication occurs "over a wireless voice channel in a wireless network," as recited in claim 1.

In addition, Tzirkel-Hancock, Wise, and/or Barclay fail to disclose, teach, or fairly suggest the following language recited in claim 1:

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when said subrogation indicator is detected:
replacing said set of signals representing speech with said
speech features; and

communicating said speech features over said wireless
voice channel in said wireless network at a lower
bandwidth than a bandwidth used to send said set of signals
representing said speech....

Tzirkel-Hancock, Wise, and/or Barclay fails to disclose, teach, or fairly suggest a subrogation indicator that when detected indicate "replacing said set of signals representing speech with said speech features," as recited in claim 1. Tzirkel-Hancock merely suggests updating word models with new parameters and that during the updating process of the word parameters, old speech parameters are replaced with new speech parameters and that an indicator is sent notifying that the process is an updated process. (Office Action of 9/9/2005, Paragraph 4, page 6; Tzirkel-Hancock, col. 32, lines 1-4.) At the given cite, however, Tzirkel-Hancock merely suggests that it would be possible to update word models during a training session using word phrases which contain examples of the words for which there are already word models. Tzirkel-Hancock further discloses that both the word models and the language models are stored in a high volume data storage unit, such as a hard disk. (Tzirkel-Hancock, col. 8 lines 12-13.) Tzirkel-Hancock, however, fails to disclose, teach or suggest "replacing said set of signals representing speech with said speech features," as recited in claim 1. Neither Wise nor Barclay disclose, tech, or fairly suggest this feature.

As previously discussed, Tzirkel-Hancock, Wise, and/or Barclay fail to disclose, teach, or fairly suggest "communicating said speech features over said wireless voice channel in said wireless network," as recited in claim 1. Furthermore, as correctly noted

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in the Office Action, neither Tzirkel-Hancock nor Wise disclose, teach, or fairly suggest "communicating said speech features... at a lower bandwidth than a bandwidth used to send said set of signals representing said speech," as recited in claim 1. The Office Action relies on Barclay for teaching this feature. Accordingly, the Office Action states Barclay teaches sending speech features via a communication channel that allow low bandwidth channels to be used while still maintaining real time response. (Office Action, page 4, paragraph 3; Barclay, col. 4, lines 1-22). At the given cite, however, Barclay merely discloses that large vocabularies and grammars can be used to process speech in real time with a client computer being a laptop or other hardware of limited memory and/or computing power while using low bandwidth communications channels. Barclay fails to disclose, however, that the communication takes place over a "wireless voice channel," "replacing said set of signals representing speech with said speech features" and that the communication involves communicating "speech features over said wireless voice channel in said wireless network at a lower bandwidth than a bandwidth used to send said set of signals representing said speech," as recited in claim 1.

Accordingly, Applicant respectfully submits that Tzirkel-Hancock, Wise, and/or Barclay taken alone or in combination, fail to disclose, teach, or fairly suggest each and every feature recited in claim 1. Therefore, Applicant submits that claim 1 is patentable and non-obvious over Tzirkel-Hancock in view of Wise and further in view of Barclay and respectfully requests withdrawal of the obviousness rejection with respect to claim 1 and claims 2-11, which depend from claim 1.

Claims 12, 17, 23, 25, 27, and 35 have been amended in a manner similar to claim 1. Therefore, for reasons analogous to those discussed above with respect to claim 1,

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Applicant respectfully submit that claims 12, 17, 23, 25, 27, and 35, and all claims depending therefrom, are patentable and non-obvious over Tzirkel-Hancock in view of Wise and further in view of Barclay. Accordingly, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 12-38.

For at least the above reasons, Applicant submits that claims 1-38 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

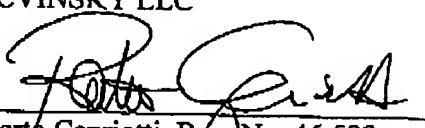
It is believed that claims 1-38 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

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The Examiner is invited to contact the undersigned at 724-933-5529 to discuss any matter concerning this application.

Respectfully submitted,

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Under 37 CFR 1.34(a)

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CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.



Roberto Capriotti

4/24/06

Date